IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 14012 of 2007(R)

PETITIONER:

M.K.KELAPPAN, MULLANKANDIYIL HOUSE,
IRINGOTH (P.O), PAYYOLI.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT OF CO-OPERATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ASSISTANT REGISTRAR (ARBITRATOR), MEPPAYOOR, KOZHIKODE.

3. THE SENIOR INSPECTOR OF CO-OPERATIVE SOCIETIES/ARBITRATOR CUM SPECIAL OFFICER, KOZHIKODE.

4. THE INSPECTOR OF CO-OPERATIVE SOCIETIES (ARBITRATION AND EXECUTION), KOILANDY.

5. THE MEPPAYOOR, CO-OPERATIVE HOUSING SOCIETY LTD.NO.D 1932, MEPPAYOOR (P.O), REPRESENTED BY IT'S SECRETARY.

BY GOVERNMENT PLEADER SRI. RAVIKRISHNAN.
R5 BY ADV. SRI.N.L.KRISHNAMOORTHY
SRI.K.LAKSHMINARAYANAN
SMT.SATHYA SHREEPRIYA
SMT.S.SUJA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 14012/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE AWARD OF THE 4TH RESPONDENT DATED 28.12.2004 IN ARC. 1935/04.

EXT. P2 : TRUE COPY OF THE REPRESENTATION DATED 30.6.05 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT. P3 : TRUE COPY OF R.P.272/05 FILED BY THE PETITIONER BEFORE THE KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM THE ORDER DATED 23.3.06 IN R.P.272/05 OF THE KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM.

EXT. P4 : TRUE COPY OF THE ORDER DATED 23.3.06 IN R.P. 272/05 OF THE KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM.

EXT. P5 : TRUE COPY OF THE NOTICE DATED 10.5.07 RECEIVED BY THE PETITIONER.

RESPONDENTS' EXTS:

EXT. R5(A) : TRUE COPY OF THE DECREE IN ARC NO.1935/04 BEFORE THE INSPECTOR OF CO-OPERATIVE SOCIETIES (ARBITRATION & EXECUTION), KOYILANDY.

EXT. R5(B) : TRUE COPY OF THE ORDER DATED 23.3.06 IN R.P. 272/06 BEFORE THE KERALA CO-OPERATIVE TRIBUNAL, TRIVANDRUM.

EXT. R5(C) : TRUE COPY OF THE LEDGER ACCOUNT PRODUCED BEFORE THE FOURTH RESPONDENT.

K.M.JOSEPH, J.

- -

WP.(C) No.14012 of 2007

- -

Dated this the 28th day of June, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Recovery proceedings were initiated by the Bank. Petitioner challenges Exts.P1, P4 and P5 and seeks other reliefs also. Learned counsel for the petitioner submits that the petitioner may be permitted to pay off the amount remaining to be paid in ten equal monthly instalments.

2. I heard learned counsel for the Bank also. He submits that if the court is inclined to grant instalment facility, it may be limited to six.

Having regard to all facts, the writ petition is disposed of permitting the petitioner to pay off the entire amount due with interest in nine equal monthly instalments, the first of which shall be paid on or before 2.8.2007 and the succeeding instalments on or before the 2nd of the succeeding months. The respondent Bank will serve a statement on the petitioner within two weeks from today fixing the amount of instalment on the basis that the petitioner has to pay it in nine equal monthly instalments. If the petitioner does not remit any instalment, he

will loose the benefit of this judgment and the Bank is free to proceed against the petitioner in accordance with law. If the petitioner pays as aforesaid, proceedings against him shall be kept in abeyance.

(K.M. JOSEPH, JUDGE)

sb